

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

WILLIAM T. WILSON,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-19-557-SLP
)	
FAMILY DOLLAR STORES OF)	
OKLAHOMA, LLC,)	
)	
Defendant.)	

ORDER


Defendant has filed a Notice of Constitutional Challenge [Doc. No. 6] in which it indicates that its state-court-filed answer (now removed to this Court) “calls into question the constitutionality of [Okla. Stat. tit. 23] § 9.1.” Thus, Defendant has invoked the Court’s duty to provide certification of a constitutional challenge to a statute under Federal Rule of Civil Procedure 5.1(b).

The State of Oklahoma is not a party to this action. The subject matter of the constitutional issues affects the public interest. Title 28, § 2403(b), of the U.S. Code and Federal Rule of Civil Procedure 5.1(b) require the Court to certify the above issue to the attorney general of the State of Oklahoma, and the Court hereby does so. *Cf. Oklahoma ex rel. Edmondson v. Pope*, 516 F.3d 1214, 1216 (10th Cir. 2008) (“The public interest is not well served when a federal [or state] statute is challenged and potentially invalidated in litigation among private parties, or even in litigation involving state governments, in the absence of input from the institution that has the responsibility and expertise to defend Acts of [the legislature].”).

Accordingly, if he wishes to do so, the Oklahoma Attorney General is granted leave to intervene in this action for purposes of presenting evidence and argument as to the constitutional challenge raised by Defendant. The Oklahoma Attorney General may intervene within sixty days of the date of this order. By certifying Defendant's constitutional challenge to the Oklahoma Attorney General, as the Court is required to do by rule and by statute, the Court does not express any view on the merits of Defendant's indicated challenge to Okla. Stat. tit. 23, § 9.1.

IT IS THEREFORE ORDERED that the Clerk of this Court is DIRECTED to provide to the Oklahoma Attorney General a copy of this Order, a copy of Defendant's Notice of Constitutional Challenge with the exhibit thereto [Doc. Nos. 6 and 6-1], and a copy of the Court's docket sheet in this action as it now stands.

IT IS SO ORDERED this 10th day of July, 2019.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE